



**OFFICE OF THE STAFF JUDGE ADVOCATE
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LEMON LAW – Kentucky

Kentucky lemon laws are designed to protect consumers who buy or lease new motor vehicles that do not conform to applicable warranties by holding manufacturers accountable for certain nonconformities. The law does this by limiting the number of attempts a manufacturer can attempt to fix such nonconformities and requiring manufacturers to provide a refund or replacement vehicle if the manufacturer fails to cure any nonconformity.

Persons covered. The Kentucky lemon laws apply to any Kentucky resident who buys, contracts to buy, or leases a new motor vehicle in the Commonwealth of Kentucky.

Vehicles covered. The Kentucky Lemon Law applies to every vehicle which is self-propelled, which is intended primarily for use and operation on the public highways and required to be registered or licensed in the Commonwealth prior to such use operation. However, “motor vehicle” shall not include any vehicle substantially altered after its initial sale from a dealer to an individual, motor homes, motorcycles, mopeds, farm tractors and other machine used in the production, harvesting, and care of farm products, or vehicles which have more than two axles. *The Kentucky lemon law applies only to new motor vehicles.* A new motor vehicle means a motor vehicle that has been finally and completely assembled and is in the possession of a manufacturer, factory branch, distributor, wholesaler, or an authorized motor vehicle dealer operating under a valid sales and service agreement, franchise, or contract for the sale of such vehicle granted by the manufacturer, factory branch, distributor, or wholesaler which is, in fact, new and on which the original title has never been issued.

Steps to take if you think your vehicle is a lemon. If your vehicle has a nonconformity or defect, you must notify the manufacturer. A nonconformity exists when the vehicle fails to conform to an express warranty in a manner which substantially impairs the use, value, or safety of the motor vehicle. Notification must be done within the first twelve thousand (12,000) miles of operation or during the first twelve (12) months following the date of delivery to the buyer – whichever is earlier. Notification should be done in writing via certified mail.

Manufacturers’ opportunities to correct. The manufacturer is allowed a reasonable number of attempts to fix this nonconformity. It is presumed that a reasonable number of attempts have been undertaken to conform a motor vehicle to the applicable express warranty if, within the first twelve thousand (12,000) miles of operation or during the period of twelve (12) months following the date of original delivery of the motor vehicle to the buyer, whichever is the earlier date: (a) the same nonconformity, defect, or condition has been subject to repair four (4) or more times by the manufacturer, but such nonconformity, defect, or condition continues to exist; or (b) the vehicle is out of service/use by reason of repair of the same nonconformity, defect, or condition for a cumulative total of at least thirty (30) calendar days. If these attempts have been undertaken and the nonconformity still substantially impairs the safety, use, or value of the vehicle, then the vehicle is considered a “lemon.” If a dealer refuses to comply with requests to repair the vehicle the consumer should file a formal complaint with the Kentucky Attorney General’s Office, Consumer Protection Division at (502) 696-5389 or 1-888-432-9257.

Lemon owner entitlements. If the vehicle is a lemon, the manufacturer shall either replace the motor vehicle with a comparable motor vehicle or accept return of the vehicle from the buyer and refund to the

buyer the full purchase price. The full purchase price includes the amount paid for the vehicle as well as finance charges, sales tax, license fees, registration fees, and any other collateral charges, less a reasonable allowance for the buyer's use of the vehicle. Additionally, if the consumer prevails in a lawsuit, the court may award the consumer attorney's fees.

Legal action and informal dispute settlement procedures. Under Kentucky law, each automobile manufacturer is required to have an informal, no cost dispute resolution system. Before a consumer can file a lawsuit, the consumer must first take advantage of this dispute resolution system, which is binding on the dealer but not the consumer. If, after completing the dispute resolution system, the consumer wishes to file a lawsuit, the lawsuit must be commenced within two years after the original delivery of the new motor vehicle to the buyer.

More information. For more information about Kentucky lemon law, please visit the Attorney General's website at <http://ag.ky.gov/civil/consumerprotection/cars/Pages/lemon.aspx>. Additionally, you may consult text of the law at http://autopedia.com/html/LemonLaw/KY_lemonlaw2.html. For additional information or assistance, you may contact Fort Campbell Consumer Affairs Office, located at 5662 Screaming Eagle Blvd, (270) 798- 5528 or Fort Campbell Client Services Office, located in building 2765 Tennessee Avenue at 29th Street, (270) 798-4432.